

8. If my case is successful, what remedies and/or damages can the Director order?

The Director, among other things, can order the respondent to: cease and desist from engaging in the discriminatory conduct; order the rental or sale of the disputed property to the complainant; and/or pay the complainant damages for pain and humiliation. The Director may also award attorney's fees and assess penalties of up to \$10,000 for the first offense, \$25,000 for the second offense and \$50,000 for the third offense.

9. What if the Division reaches a finding of No Probable Cause in my case?

You may file an appeal of the Division's finding with the Appellate Division. The notice of appeal must be filed within 45 days of the Division's finding. Otherwise, the case is over.

10. Can I go directly to court with my complaint?

Yes, under the law, you may initiate an action in Superior Court without first filing a complaint with the Division. If you file a lawsuit in state Superior Court, you are entitled to a jury trial, and, if you win your case, a judge or jury may award you compensatory damages and punitive damages.

11. Do I need a lawyer to represent me before the Division?

No, you are not required to have an attorney represent you, but you may decide to consult with an attorney if you wish.

If the Director issues a Finding of Probable Cause, the issues in your case will be presented by a Deputy Attorney General at the hearing at no cost to you.



Office of the Attorney General
Department of Law and Public Safety

11/04

**For more information, contact the
office nearest you or call our
Housing Hotline at
1-866-405-3050**

Atlantic City

26 S. Pennsylvania Avenue, 3rd Floor
Atlantic City, NJ 08401
(609) 441-3100 (Phone)
(609) 441-3578 (Fax)
(609) 441-7648 (TTY)

Camden

One Port Center
2 Riverside Drive, 4th Floor
Camden, NJ 08103
(856) 614-2550 (Phone)
(856) 614-2568 (Fax)
(856) 614-2574 (TTY)

Jersey City

574 Newark Avenue, 3rd Floor
Jersey City, NJ 07306
(201) 798-5168 (Phone)

Newark

31 Clinton Street, 3rd Floor
Newark, NJ 07102
(973) 648-2700 (Phone)
(973) 648-4405 (Fax)
(973) 648-4678 (TTY)

Paterson

100 Hamilton Plaza, 8th Floor
Paterson, NJ 07501
(973) 977-4500 (Phone)
(973) 977-4511 (Fax)
(973) 977-1955 (TTY)

Trenton

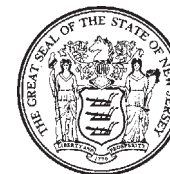
140 East Front Street, 6th Floor
Trenton, NJ 08625-0090
(609) 292-4605 (Phone)
(609) 984-3812 (Fax)
(609) 292-1785 (TTY)

www.NJCivilRights.org

CIVIL RIGHTS
NJ Division on Civil Rights

**What You Should
Know about
Housing
Discrimination**

**Call our toll-free
Housing Hotline
at
1-866-405-3050**



RICHARD J. CODEY
Acting Governor

PETER C. HARVEY
Attorney General

J. FRANK VESPA-PAPALEO
Director, NJ Division on Civil Rights

1. What does the Division on Civil Rights enforce?

The Division on Civil Rights enforces the New Jersey Law Against Discrimination.

2. What does the NJ Law Against Discrimination prohibit?

The NJ Law Against Discrimination (LAD) prohibits discrimination on the bases of race, creed (religion), color, national origin, sex, marital status, ancestry, actual or perceived physical or mental disability, nationality, affectional or sexual orientation, familial status, and domestic partner status. “*Familial status*” means families with a child or children under 18 years old and/or pregnant women, and “*disability*” is used to include persons afflicted with AIDS or HIV or thought to be afflicted with AIDS.

The LAD also prohibits housing discrimination based on the source of lawful income or source of lawful rent or mortgage payment a tenant or purchaser uses. This means, for example, that a landlord cannot deny the lawful recipient of a Section 8 HUD voucher the right to rent an apartment based solely on that source of lawful income.

3. What does this mean to me?

- All persons, regardless of their membership in one of the protected classes stated above or source of lawful income used for rent or mortgage payments, are entitled to **equal treatment in the terms, conditions or privileges of the sale or rental of any real property** (e.g., it is illegal to deny that housing is available for inspection, sale or rent when it really is available.);
- **No discriminatory advertising** of any kind relating to the proposed sale or rental is permitted;
- Any provision in any lease or rental agreement prohibiting maintenance of a pet or pets on the premises is not applicable to a service or guide dog owned by a disabled, blind or deaf tenant;
- A landlord may not charge a tenant with a disability an extra fee for keeping a service or guide dog; and

- A landlord must permit a tenant with a disability to make reasonable modifications to the existing premises at the tenant’s own expense, if such modifications are necessary to afford such person full enjoyment of the premises.

4. What types of property does this apply to?

The provisions of the LAD apply to the sale or rental of all property including open land, whether for business or residential purposes, with the following **exceptions**:

- The rental of a single apartment or flat in a two-family dwelling, the other occupancy unit of which is occupied by the owner as his/her residence at the time of such rentals;
- The rental of a room or rooms to another person or persons by the owner or occupant of a one-family dwelling occupied by him/her as his/her residence at the time of such rental;
- In the sale, lease or rental of real property, preference given to persons of the same religion by a religious organization; and
- The prohibition against discrimination on the basis of familial status does not apply to housing for older persons (as defined in the LAD at N.J.S.A. 10:5-5mm).

5. What can I do if I believe my rights have been violated under these laws?

You may file a complaint with us for free within 180 days of the date of the alleged violation. The complaint must be filed at one of our offices (check the back of this brochure for the location nearest you). You may also file a complaint in New Jersey Superior Court within two years of the alleged violation.

Note: This office does not handle ordinary landlord-tenant disputes concerning evictions, etc.

6. How is a complaint handled by the Division?

When you file a complaint with the Division, your complaint is assigned to a Division investigator. The Division investigator serves the complaint to the individual and/or entity (respondent) alleged to have discriminated against you or violated your rights. Within 20 days of being served

the complaint, the respondent must file an answer. The Division also offers the parties an opportunity to send the case to a trained mediator as a way to provide for early dispute resolution.

The investigator assigned to your case will conduct an investigation which may include interviews, field visits, and the securing of rental records. Based on the investigation, the investigator makes a recommendation to the Division’s Director as to whether probable cause or no probable cause exists to believe the allegations of discrimination are true.

7. What if the Division’s investigation reaches a Finding of Probable Cause?

If there is a finding of Probable Cause in a housing discrimination complaint, the complainant (the person who filed the complaint) and the respondent are notified of the finding and are given the option of deciding within 20 days whether they wish to proceed with the matter in Superior Court. If either party exercises this option, a Deputy Attorney General will promptly file a complaint in Superior Court. If both parties decide to continue to proceed administratively, the Division will schedule a conciliation conference. The purpose of the conciliation is to determine if the respondent is interested in settling the matter without the need for further proceedings. If the Division can work out an agreement with the respondent and the complainant accepts the agreement, then the matter will be closed.

If an agreement cannot be reached, the Director will bring the case to the Office of Administrative Law for a hearing or non-jury trial. Either a Deputy Attorney General will be assigned to represent the complainant in the case or the complainant may retain private counsel. After the hearing, the Administrative Law Judge (ALJ) will render an initial decision which can be accepted, modified, or rejected by the Director.

If the initial decision is accepted, the Director will issue an order adopting the decision. If the initial decision is rejected, the Director may reverse the findings of the ALJ or send back the case to the ALJ for further consideration.